



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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June 19, 2014

Mon County Habitat for Humanity
c/o Evan Zuverink
251 Don Knotts Blvd
Morgantown, WV 26501

**RE: V14-28 / Mon County Habitat for Humanity / Jerome Park
Tax Map 24, Parcel 41**

Dear Mr. Zuverink,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief as it relates to side setbacks in Jerome Park. The decision is as follows:

Board of Zoning Appeals, June 18, 2014:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a two (2) foot variance from the side setback requirements for each of lots 3, 4, 5, and 6 without conditions.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board.

Please note that building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary
Development Services Department

ADDENDUM A – Approved Findings of Fact

V14-28 / Mon County Habitat for Humanity / Jerome Park

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

There are several other single-family dwellings in the vicinity that do not meet the minimum side setback requirements in this community. Examples would include 1289 Carlisle Avenue, 1261 Carlisle Avenue, and 1265 Carlisle Avenue, all of which are located across Jersey Avenue from the development. This variance would have no adverse effect on any other property in this community. Similar variance relief was granted by the Board under Case No. V14-17 on 30 APR 2014 for the petitioner's lots 1 and 2 that is a part of the same development along Jersey Street. Additionally, affordable housing has no negative impact on market values or land use in this community.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

This variance is a result of the lot configuration and angular layout.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

This variance aids in mitigating site design given the angular layout of the parcels in relation to Jersey Street, a desire for the single-family dwelling structures to be at or near parallel with Jersey Street, and allows for the creation of 4 additional units of affordable housing in the community.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

This variance request will only effect the side setback requirement between the houses that Habitat for Humanity is developing on Jersey Avenue. All other setback requirements, rights-of-ways, and city requirements will remain in effect and be observed. This variance appears prudent to Habitat for Humanity's continued development of affordable housing in the City of Morgantown.